UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,357	01/19/2002	Satish Jamadagni	7416/84863 - PA23	7086

		EXAMINER
7590	06/07/2004	PEREZ, ANGELICA

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ART UNIT	PAPER NUMBER
2684	4

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/054,357	JAMADAGNI, SATISH
	Examiner	Art Unit
	Angelica M. Perez	2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 January 2002*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
> title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by

Chern (Chern et al.; US Pub. No.: 2003/0,060,211 A1).

Regarding claim 1, Chern teaches where in a communication system (figure 2), a

method for automatically downloading applications to a mobile terminal (paragraph

0002), comprising the steps of: a) providing an adaptable terminal having a location

module and a download module (paragraph 0007; e.g., "position-determination device"

and an "internet browser" correspond to "location module" and "download module"), b)

determining the geographic location of the terminal using a spatial location application in

communication with the location module 90007, lines 6-9), c) selecting a geographic

location for downloading an application to the terminal (0045; lines 1-2; e.g., "services" and "businesses" applications); d) querying the terminal for available modes and applications (paragraph 0047, lines 1-5; e.g., "near restaurant" corresponding to an application and "parameters" corresponding to modes), e) querying the download servers in the selected geographic location for available applications (paragraph 0045, lines 9-11 where the query results in "retrieving" and "returning" relevant information to the handset), and neighboring locations for matching modes to determine whether the download servers support the mobile terminal available modes (paragraph 0065, lines 5-6), f) selecting a mode component for the mobile terminal from a service provider based on the query that matches attributes of the mobile query (paragraph 0065; e.g., "routing information" conforms with a user's query), g) downloading the selected mode component to the mobile terminal from a selected service provider (paragraphs 0065 and 0066; e.g., "textual driving directions", "map", "shortest route"), h) registering the mode component with the service provider to enable use of the download component in the mobile terminal (paragraphs 0065 and 0066; where the mode is performed according to the user preferences and capabilities), i) reconfiguring the mode personality of the mobile terminal based on the downloaded components (paragraphs 0065 and 0066; e.g., where the "personalities" supply the rules for communication according to "text", "graphics", "voice" etc.).

Regarding claim 2, Chern teaches all the limitations of claim 1. Chern further teaches where the spatial location application is a location server (column 0008; e.g., server retrieves location information).

3.   Claims 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Glorikian

(Glorikian, Harry A.; US Patent 6,343,317 B1).

Regarding claim 3, Glorikian teaches of a system for automatically downloading

radio or protocol personalities over defined channels to a mobile terminal in a wide area

network (figure 1; column 1, lines 6-12), the system comprising: an adaptable terminal

(figure 1, item 29 or 31), a spatial location service for providing geographic location

information to the terminal (figure 1, item 13), at least one component repository

(column 1, lines 15-20), and a download server (column 1, lines 15-20), the component

repository including at least one downloadable component and further including a

service template that defines the service attributes of the downloadable component

(column 2, lines 38-46; e.g., data), the adaptable terminal including a location module

in communication with the spatial location service to define the geographic location of

the mobile terminal (where item 57 in figure 1 communicates with item 13 in figure 2 to

define a geographic location), the terminal further including a User Agent for locating

downloadable components in the defined geographic location using a service request

that enumerates the service needs of mode attributes (column 7, line 52-56; where the

listings enumerates the mode attributes), the server directory including a listing of

service templates of component repositories in a defined geographic location and a

Service Agent for communicating with the component depositories and User Agents

(column 5, lines 1-11), where the User Agent queries the Service Agent in the defined

geographic location and neighboring locations to locate service components that match

the terminals service need attributes such that when a matching component is located

the terminal automatically downloads the component to the terminal (column 4, lines 62-67).

Regarding claim 4, Glorikian teaches of an adaptable terminal for automatically downloading applications (column 4, lines 62-67), the terminal comprising: a user interface (figure 2, item 59), a location module (figure 2, item 57), a download module for locating downloadable components for a selected location (figure 2, item 39 provides the means for downloading data form the web), a protocol module (column 5, lines 18-26), an air interface module for enabling remote transmission (figure 2, item 43; where the "cell telephone circuitry" enabling remote transmission), a reconfiguration module (column 2, lines 22-30); and a download cache (figure 2, item 39).

Regarding claim 5, Glorikian teaches all the limitations of claim 4. Glorikian further teaches where the adaptable terminal is a Software defined Radio terminal (column 5, lines 12-17

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

Angelica Pérez
(Examiner)

NICK CORSARO
PATENT EXAMINER

Art Unit 2684

May 28, 2004